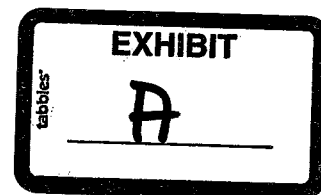


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION



JESSE PIERCE and MICHAEL PIERCE,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Civil Action No.: 3:13-cv-00641-PLR-CCS

WYNDHAM VACATION RESORTS, INC., and
WYNDHAM VACATION OWNERSHIP, INC.,

Defendants.

DECLARATION OF MANDI BENSON
PURSUANT TO FEDERAL RULE OF EVIDENCE 1006

I, Mandi Benson, declare and state as follows:

1. I am a competent adult and have personal knowledge of the facts contained in this declaration.

2. I am employed by Jackson Lewis P.C. as a paralegal.

3. Attached hereto as Exhibit 1 is a chart in which I have summarized the annual gross pay information contained in the W-2s for 148 of the Plaintiffs from 2010 through 2013. These documents are being produced for confirmation.

4. Attached hereto as Exhibit 2 is a chart in which I have summarized information from documents contained in Plaintiffs' personnel files regarding termination of employment, as well as the date the Plaintiffs' Consent Forms were filed. These personnel files are being produced to Plaintiffs' counsel for confirmation.

5. Exhibit 2 reflects that ten (10) of the current Plaintiffs are barred by the three-year statute of limitations and are either limited in their recovery or may not recover at all.

6. Exhibit 2 also reflects that thirty-one (31) of the current Plaintiffs are barred by the two-year statute of limitations and may not recover at all if that statute is applied.

7. Exhibit 1 reflects that although there are many very high earners, with an income in excess of \$100,000, 71 sales people average less than \$30,000 annually over the same three-year period.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 30th day of July, 2015.



MANDI BENSON

4811-0214-7878, v. 1

Plaintiff's Name	WWID	2010 YTD	2011 YTD	2012 YTD	2013 YTD	Average
Pierce, Jesse	247005	\$ 906,457.34	\$ 739,805.80	\$ 753,436.67	\$ 671,945.03	\$ 767,911.21
Thrift, R. Craig	542814		\$ 299,658.55	\$ 852,234.99	\$ 447,727.10	\$ 533,206.88
Knox, Beata Elizabeth	458753	\$ 395,835.16	\$ 588,825.30	\$ 536,608.58	\$ 376,697.73	\$ 474,491.69
Abbott, James Shannon	495677	\$ 573,057.85	\$ 339,170.92	\$ 480,845.97	\$ 488,156.82	\$ 470,307.89
Higgins, Twila B.	517934	\$ 476,358.55	\$ 422,532.46	\$ 318,385.46	\$ 146,834.40	\$ 341,027.72
Garrett, Thomas	499378	\$ 243,856.11	\$ 194,259.36	\$ 280,575.92	\$ 474,288.62	\$ 298,245.00
Pierce, Sr., Michael	126241	\$ 299,208.43	\$ 241,373.97	\$ 281,731.77	\$ 255,035.53	\$ 269,337.43
Heil, Allen (Dale)	173969	\$ 257,720.68	\$ 285,561.26	\$ 369,476.10	\$ 54,868.34	\$ 241,906.60
Monday, Melissa A.	540256		\$ 70,124.92	\$ 133,653.35	\$ 379,227.85	\$ 194,335.37
Nelon, David	106619	\$ 240,397.09	\$ 221,894.52	\$ 136,618.71	\$ 107,644.55	\$ 176,638.72
Oleson, Renee	258304	\$ 122,717.92	\$ 167,683.50	\$ 150,758.91	\$ 169,776.44	\$ 152,734.19
Cooper, Russell H.	532420	\$ 6,555.03	\$ 277,339.45	\$ 198,700.38	\$ 87,266.31	\$ 142,465.29
Pierce, Anthony Trenton	442634	\$ 95,940.99	\$ 191,377.15	\$ 217,400.86	\$ 56,306.44	\$ 140,256.36
Jeter, Sean	478380	\$ 158,613.52	\$ 68,219.40	\$ 136,779.61	\$ 169,105.46	\$ 133,179.50
Evans, Melissa	397863	\$ 92,725.01	\$ 196,094.90	\$ 169,160.04	\$ 57,363.54	\$ 128,835.87
Howard, Christine C.	503381	\$ 195,662.68	\$ 190,704.85	\$ 101,835.88	\$ 8,908.50	\$ 124,277.98
Brown, Donna	518108	\$ 133,713.83	\$ 107,906.73	\$ 90,653.20	\$ 157,237.16	\$ 122,377.73
Padgett, Randall Scott	488794	\$ 102,402.77	\$ 137,917.87	\$ 113,914.75	\$ 97,505.24	\$ 112,935.16
Walker, Misty	551098			\$ 103,039.01	\$ 119,566.26	\$ 111,302.64
Dodson, Charlene	476167	\$ 47,013.77	\$ 70,805.68	\$ 174,117.66	\$ 149,183.42	\$ 110,280.13
Caldwell, Samantha	525323	\$ 64,794.62	\$ 172,688.07	\$ 88,711.86		\$ 108,731.52
Chappell, Danny	543927		\$ 45,045.83	\$ 129,331.37	\$ 148,086.37	\$ 107,487.86
Heaton, Stacy	534965	\$ 1,322.42	\$ 86,076.46	\$ 187,525.54	\$ 150,381.96	\$ 106,326.60
Smith, Teresa A.	498477	\$ 105,389.21	\$ 208,337.50	\$ 89,439.62	\$ 11,732.59	\$ 103,724.73
Clark, Billy L.	420271	\$ 209,047.29	\$ 101,264.91	\$ 311.33		\$ 103,541.18
Musick, Stacey	536588		\$ 66,632.39	\$ 100,407.99	\$ 127,833.29	\$ 98,291.22
Zinsky, Jeremy	524943	\$ 49,609.71	\$ 83,817.37	\$ 189,225.47	\$ 42,949.30	\$ 91,400.46
Greene, Matthew	525923	\$ 76,504.66	\$ 104,439.26			\$ 90,471.96
Williamson, Brett	569851				\$ 90,288.65	\$ 90,288.65
Kost, Mark J.	427385	\$ 74,395.86	\$ 130,642.24	\$ 62,780.70		\$ 89,272.93
Matossian, Levon	247752	\$ 169,763.63	\$ 5,801.47			\$ 87,782.55
Rasnack, Emily	503611	\$ 81,745.50	\$ 78,011.22	\$ 112,466.58	\$ 70,522.21	\$ 85,686.38
Bate, Adam	553612			\$ 24,435.80	\$ 146,176.23	\$ 85,306.02
Bowery, Stephen	530601	\$ 13,505.61	\$ 195,248.09	\$ 32,462.50		\$ 80,405.40
Myrick, Heather	521335	\$ 20,375.04	\$ 68,703.56	\$ 133,983.62	\$ 88,810.06	\$ 77,968.07
Nelon, Tiffany Erin	241668	\$ 91,924.15	\$ 80,612.04	\$ 68,821.25	\$ 65,800.90	\$ 76,789.59
Nava, Tammy	489311	\$ 107,886.09	\$ 107,225.75	\$ 14,768.47		\$ 76,626.77
(Buchanan) Frye, Sarah	105169		\$ 76,004.90			\$ 76,004.90
Katsaras, Michael	537319		\$ 40,203.05	\$ 78,166.82	\$ 102,549.06	\$ 73,639.64
Hickman, Tyrone	388786	\$ 106,695.17	\$ 97,834.57	\$ 4,704.33		\$ 69,744.69
Hurst, Daniel	551103			\$ 63,661.62	\$ 71,627.42	\$ 67,644.52
Christy, Sarah Ellen	325611	\$ 47,700.77	\$ 85,068.70			\$ 66,384.74
Campbell, James	543312		\$ 42,822.67	\$ 94,830.98	\$ 44,475.83	\$ 60,709.83
Rodgers IV, Cowan	559723			\$ 15,186.55	\$ 102,621.37	\$ 58,903.96
Neuenschwander, Roy Patrick	504504	\$ 43,878.90	\$ 53,542.29	\$ 71,566.58	\$ 65,050.31	\$ 58,509.52
Cheij, Alana	540056		\$ 49,781.04	\$ 66,450.67		\$ 58,115.86
Lucas, Nick	531041	\$ 34,323.64	\$ 85,262.31	\$ 93,475.60	\$ 16,061.41	\$ 57,280.74
Bonnette, Randolph David	559730			\$ 38,902.64	\$ 74,458.87	\$ 56,680.76
English, Clark	569936				\$ 56,513.53	\$ 56,513.53
Landers, Peter E.	407378	\$ 55,893.24	\$ 74,216.30	\$ 62,949.39	\$ 8,721.04	\$ 50,444.99
Finley, Randy	532029	\$ 18,458.83	\$ 46,093.50	\$ 84,568.61	\$ 48,586.19	\$ 49,426.78
Tesh, Bryan S.	505539	\$ 66,592.40	\$ 55,771.95	\$ 23,661.42	\$ 50,236.57	\$ 49,065.59

Plaintiff's Name	WWID	2010 YTD	2011 YTD	2012 YTD	2013 YTD	Average
Burroughs, Krysty	120190	\$ 97,655.96	\$ 38,793.25	\$ 10,214.18		\$ 48,887.80
Goodall, David	105614	\$ 90,317.96	\$ 49,652.27	\$ 21,393.32	\$ 30,451.76	\$ 47,953.83
Caldwell, Stacy	540903		\$ 25,247.97	\$ 57,215.26	\$ 59,531.74	\$ 47,331.66
Magee, Perry	474311	\$ 22,044.55			\$ 70,838.89	\$ 46,441.72
Pierce, Jr., Mike	400267	\$ 88,548.62	\$ 52,764.66	\$ 30,384.59	\$ 10,940.84	\$ 45,659.68
Davis, Brenda	537960		\$ 73,210.78	\$ 14,261.71		\$ 43,736.25
Repass, William H.	518105	\$ 75,643.27	\$ 32,547.27	\$ 57,353.55	\$ 8,085.62	\$ 43,407.43
Wirgau, Jaxon	554512			\$ 21,713.69	\$ 62,271.65	\$ 41,992.67
Aumiller, Renee	543924		\$ 78,168.46	\$ 36,515.06	\$ 10,912.80	\$ 41,865.44
Taylor, Rodney	459705	\$ 43,092.89	\$ 14,697.05	\$ 96,809.34	\$ 10,776.75	\$ 41,344.01
Ousley, Jeremy	476170	\$ 74,494.57	\$ 48,154.15	\$ 75.00		\$ 40,907.91
Ross, Carly	567941				\$ 40,695.18	\$ 40,695.18
Yuhas, Stephen W.	398544	\$ 44,143.98	\$ 41,877.08	\$ 37,110.31	\$ 39,031.92	\$ 40,540.82
Siler, Tony	511601	\$ 47,121.78	\$ 45,065.32	\$ 21,403.73		\$ 37,863.61
West, Robert Bryant	433148	\$ 80,696.01	\$ 37,347.91	\$ 30,877.00	\$ 668.38	\$ 37,397.33
Taylor, Rachael A.	387945	\$ 34,080.62	\$ 28,412.79	\$ 50,184.78	\$ 32,351.31	\$ 36,257.38
Thornton, Jodie	534585	\$ 3,695.24	\$ 96,697.17		\$ 6,229.97	\$ 35,540.79
Simerka, Charles T.	105863	\$ 53,043.64	\$ 16,885.31			\$ 34,964.48
McGlothlin, Terry	476142	\$ 52,668.27	\$ 33,633.74	\$ 23,347.57	\$ 26,480.52	\$ 34,032.53
McBride, Laurie J.	503544		\$ 67,382.06	\$ 546.56		\$ 33,964.31
Albertini/Malicote, Amber Leigh	539366		\$ 23,939.56	\$ 58,395.22	\$ 18,050.61	\$ 33,461.80
Banks, Rondal T.	539020		\$ 48,616.91	\$ 18,250.85		\$ 33,433.88
Dodson, James Eric	572365				\$ 33,210.01	\$ 33,210.01
Shalhoup, Jr., Leo	521873	\$ 29,773.43	\$ 54,982.55	\$ 13,047.44		\$ 32,601.14
Chappell, Nicholas	550191			\$ 32,182.76	\$ 28,173.75	\$ 30,178.26
Smith Harrington, Christina	549319			\$ 49,714.93	\$ 9,691.64	\$ 29,703.29
Ellis, Robert S.	527420	\$ 48,793.29	\$ 38,123.99	\$ 1,614.84		\$ 29,510.71
Evans, Brandon	535920	\$ 233.81	\$ 30,844.52	\$ 21,858.76	\$ 61,114.29	\$ 28,512.85
Hart, David	537292		\$ 24,840.87	\$ 20,786.57	\$ 39,842.04	\$ 28,489.83
White, Jerry	560002			\$ 6,523.94	\$ 48,852.89	\$ 27,688.42
Furlow, Derrick	532033	\$ 14,164.74	\$ 18,837.16	\$ 26,511.25	\$ 50,887.89	\$ 27,600.26
Rang, Richard	562707			\$ 3,245.14	\$ 50,799.78	\$ 27,022.46
Dzaman, William H.	415253	\$ 54,992.50	\$ 23,404.81	\$ 2,625.58		\$ 27,007.63
Watts, Cody	545710		\$ 9,096.15	\$ 40,573.41	\$ 30,127.32	\$ 26,598.96
Williams, Heather D.	551341			\$ 48,862.70	\$ 4,007.00	\$ 26,434.85
Gallihugh, James L.	516861	\$ 57,753.42	\$ 20,731.94	\$ 26,908.13	\$ 204.35	\$ 26,399.46
Dalton, Bradley D.	553432			\$ 30,986.65	\$ 21,237.26	\$ 26,111.96
Pierce, Lisa	543890		\$ 15,785.55	\$ 36,656.47	\$ 23,569.66	\$ 25,337.23
Rentsch, Thomas D.	538634		\$ 43,960.67	\$ 4,522.22		\$ 24,241.45
Hatchett, Nakia M.	538841		\$ 14,259.64	\$ 53,727.99	\$ 3,678.25	\$ 23,888.63
Reid, James Walter	438414	\$ 50,858.21	\$ 20,418.13	\$ 250.25		\$ 23,842.20
Yocum, Jason	542891		\$ 40,718.76	\$ 6,070.41		\$ 23,394.59
Capehart, Tracy	534982	\$ 2,572.05	\$ 45,428.74	\$ 41,900.73	\$ 2,482.61	\$ 23,096.03
Swafford, Jeanne	470258	\$ 43,466.44	\$ 2,288.20			\$ 22,877.32
Benedict, Shirley	347971	\$ 29,864.88	\$ 29,240.70	\$ 19,506.39	\$ 5,872.80	\$ 21,121.19
McGinty, Judith	106176	\$ 51,482.40	\$ 22,634.15	\$ 9,523.08	\$ 762.57	\$ 21,100.55
Whaley, Amber	523188			\$ 39,004.92	\$ 2,944.96	\$ 20,974.94
Brooks, Steven	546981		\$ 3,274.21	\$ 54,898.95	\$ 4,706.89	\$ 20,960.02
Slone, Rebecca	572485				\$ 20,793.65	\$ 20,793.65
Stallings, Bobby Harold	106004	\$ 30,928.54	\$ 19,603.97	\$ 16,849.58	\$ 13,264.59	\$ 20,161.67
Collins, Wendy	551751			\$ 19,138.11		\$ 19,138.11
Hicks, James H.	531197	\$ 11,108.70	\$ 29,342.78	\$ 16,017.52		\$ 18,823.00

Plaintiff's Name	WWID	2010 YTD	2011 YTD	2012 YTD	2013 YTD	Average
Waits, Jamie	534085	\$ 3,377.94	\$ 9,562.31	\$ 41,496.00	\$ 19,046.52	\$ 18,370.69
Kyle, Doug	543872		\$ 16,922.15	\$ 36,419.40	\$ 1,114.50	\$ 18,152.02
Smith, George D.	323137	\$ 26,488.09	\$ 11,242.69	\$ 16,159.46	\$ 18,427.63	\$ 18,079.47
Price, Leslie Ann	550360			\$ 17,730.16	\$ 18,300.40	\$ 18,015.28
Fenner, James M.	539115		\$ 36,304.85	\$ 16,691.20	\$ 304.25	\$ 17,766.77
Layman, Steven	529591	\$ 19,829.72	\$ 13,539.18			\$ 16,684.45
Abbott, Kisa	505497	\$ 21,253.29	\$ 24,580.04	\$ 760.79		\$ 15,531.37
Dickerson, Robin	497657	\$ 14,374.11	\$ 626.21	\$ 36,788.86	\$ 9,821.07	\$ 15,402.56
Lindsey, Mitzi	576349				\$ 15,306.72	\$ 15,306.72
Gray, Dennis	542817		\$ 18,225.53	\$ 25,639.70	\$ 350.00	\$ 14,738.41
Farmer, Amanda	466279	\$ 26,644.13	\$ 1,742.70			\$ 14,193.42
Naumoff, Paul	105560	\$ 979.49	\$ 37,371.80	\$ 13,453.14	\$ 3,284.13	\$ 13,772.14
Bensley, William	537805		\$ 13,588.61			\$ 13,588.61
Brown, Lisa	577140				\$ 13,057.35	\$ 13,057.35
Cornwell, Jasynta	462257			\$ 4,115.95	\$ 21,431.81	\$ 12,773.88
Thacker, Jessica N.	538631		\$ 19,091.52	\$ 6,003.85		\$ 12,547.69
Dalton, Clay	571731				\$ 12,447.11	\$ 12,447.11
Farmer, Charles Bryan	576917				\$ 11,984.96	\$ 11,984.96
Lewanksi, Karl	517448	\$ 21,687.64	\$ 696.96			\$ 11,192.30
Drew, Belinda	508029		\$ 19,649.45	\$ 12,679.25	\$ 250.00	\$ 10,859.57
Moore, Juanita	572295				\$ 10,847.10	\$ 10,847.10
Bullock, Rebecca	523940	\$ 17,065.43	\$ 3,486.89			\$ 10,276.16
Helton, Zach	545711		\$ 3,990.53	\$ 16,442.47		\$ 10,216.50
Selfridge, Joshua	540550			\$ 1,961.50	\$ 16,971.77	\$ 9,466.64
Panzer, Carol Ann	519350		\$ 16,588.85	\$ 1,407.04		\$ 8,997.95
Maples, Christopher	530588	\$ 7,849.34	\$ 1,045.49	\$ 10,374.32	\$ 13,698.32	\$ 8,241.87
Huskey, Michael	550193			\$ 16,162.70	\$ 180.03	\$ 8,171.37
Dennis, Jr., James	569845				\$ 6,827.78	\$ 6,827.78
Sweeley, Tiffany	544263		\$ 10,346.63	\$ 2,921.24		\$ 6,633.94
Daboval, Ada	537792		\$ 6,500.64			\$ 6,500.64
Patterson, Renee	580127				\$ 5,868.13	\$ 5,868.13
Jones, Deborah A.	485303	\$ 501.82		\$ 8,604.71	\$ 7,970.97	\$ 5,692.50
Dennis, Amy	569844				\$ 5,658.68	\$ 5,658.68
Blount, Benjamin	551109			\$ 4,899.19		\$ 4,899.19
Chappell, Jean Kay	554511			\$ 4,696.85		\$ 4,696.85
Hope, Joseph	551293			\$ 4,602.85		\$ 4,602.85
Kimbrough, Robert	544394		\$ 4,409.14			\$ 4,409.14
Carson, Craig F.	105530		\$ 3,345.93	\$ 4,187.40		\$ 3,766.67
Bogardus, Claudia	562709			\$ 2,812.60	\$ 3,713.45	\$ 3,263.03
Edwards, Shellis	545280		\$ 5,430.43	\$ 200.10		\$ 2,815.27
Culbertson, Charles	512183	\$ 3,581.08		\$ 2,555.24	\$ 1,704.94	\$ 2,613.75
Norris, Brian	562780			\$ 1,414.13	\$ 2,550.21	\$ 1,982.17
Griffin, Dolly	562125			\$ 1,678.36		\$ 1,678.36
Griffin, Charles	562124			\$ 2,821.23	\$ 100.10	\$ 1,460.67

Barred 3-year

PLAINTIFF'S NAME	OPT-IN DATE	LAST DAY WORKED AS A SALES REP IN TENNESSEE	Docket Entry	Bates #
Bensley, William	06/30/15	11/2/2011	129-1	n/a
(Buchanan) Frye, Sarah	07/10/15	9/1/2011	130-1	n/a
Daboval, Ada	07/17/15	7/11/2011	131-1	n/a
Edwards, Shellis	07/10/15	1/6/2012	130-1	n/a
Evans, Adam	07/24/15	12/8/2011	132-1	n/a
Layman, Steven	07/17/15	4/9/2011	131-1	n/a
Lewanski, Karl	08/25/14	1/28/2011	87-1	Wyndham077089
Matossian, Levon	08/25/14	12/29/2010	87-1	Wyndham077370
Nava, Tammy	05/07/15	3/31/2012	124-1	n/a
Reid, James Walter	03/25/15	7/21/2011	122-1	n/a

EXHIBIT 2

PLAINTIFF'S NAME	OPT-IN DATE	LAST DAY WORKED AS A SALES REP IN TENNESSEE	Docket Entry	Bates #
Bensley, William	06/30/15	11/2/2011	129-1	n/a
(Buchanan) Frye, Sarah	07/10/15	9/1/2011	130-1	n/a
Bullock, Rebecca	11/18/13	6/17/2011	13-1	Wyndham016576-Wyndham016577
Chappell, Jean Kay	06/30/15	9/15/2012	129-1	n/a
Christy, Sarah Ellen	10/23/13	10/17/2011	1-3	Wyndham011051-Wyndham011053
Daboval, Ada	07/17/15	7/11/2011	131-1	n/a
Dennis, Amy	06/22/15	5/21/2013	127-1	n/a
Dennis, Jr., James Ellis	06/22/15	5/1/2013	127-1	n/a
Drew, Belinda	06/15/15	8/23/2012	126-1	n/a
Edwards, Shellis	07/10/15	1/6/2012	130-1	n/a
Evans, Adam	07/24/15	12/8/2011	132-1	n/a
Farmer, Amanda	11/12/13	3/1/2011	12-1	Wyndham013991
Griffin, Charles	06/15/15	1/5/2013	126-1	n/a
Griffin, Dolly	06/15/15	12/3/2012	126-1	n/a
Hickman, Tyrone	09/05/14	1/21/2012	94-1	Wyndham077019
Hope, Joseph	06/22/15	6/22/2012	127-1	n/a
Huskey, Michael	06/15/15	7/31/2012	126-1	n/a
Layman, Steven	07/17/15	4/9/2011	131-1	n/a
Lewanski, Karl	08/25/14	1/28/2011	87-1	Wyndham077089
Matossian, Levon	08/25/14	12/19/2010	87-1	Wyndham077370
Naumoff, Paul	06/15/15	7/4/2012	126-1	n/a
Nava, Tammy	05/07/15	3/31/2012	124-1	n/a
Ousley, Jeremy	11/25/13	11/15/2011	15-1	Wyndham062785
Panzer, Carol Ann	02/24/14	2/19/2012	43-1	Wyndham070535
Reid, James Walter	03/25/15	7/21/2011	122-1	n/a
Rentsch, Thomas	09/10/14	1/29/2012	96-1	Wyndham077759
Selfridge, Joshua	06/15/15	6/6/2013	126-1	n/a
Shalhoup, Leo	08/25/14	4/3/2012	87-1	Wyndham078086
Simerka, Charles T.	02/06/14	8/8/2011	41-1	Wyndham070892
Swafford, Jeanne	11/12/13	3/9/2011	12-1	Wyndham068007